

App. F. IX-4

1925.

File No. 16-25-

Previous References

(*Inv*)

Serial Nos. 1 to 6

Later References

General and Revenue Secretariat.

Serial Nos.

1 to 6

Part B for *January 1928*

SUBJECT

*Management of the properties bequeathed
by Nagadi Krishnappa of Chickballapur
for certain Charitable purpose—*

To

*The *Inv* Comr
No 1119 of 11/28*

*Has Copy of the note of Legal Remittances
in the matter and states that an order
obtained from the District Court permitting
the sale of the said properties and in
of the sale proceeds—*

GENERAL AND REVENUE SECRETARIAT.

(May)

NOTES.

File No. 16-25

FILE HEADING.

Management of the properties bequeathed by Nagadi
Krishnappa of Chikballapur for certain charitable
purpose.

From

The Mys. Comr. in Mysore

No. C. 1470 of 1925 Dated 25/28-7-25

Received

Diary No. 162

Enclos. 2/- Spare Copies.

Serial No. /

BRIEF ABSTRACT OF LETTER.

States that the landed properties endowed by Nagadi
Krishnappa have not been yielding sufficient income
for starting a Students Home & that they are difficult
of management, being situated in different places; and recom-
mends, therefore, that they be sold & the proceeds be used

NOTES AND ORDERS.

The Mys. Comr's letter & the Dy. Comr's letter
forming it, enclosed give a brief history of the
case from its inception.

2 The properties willed out by Nagadi Krishnappa
were taken under Govt. management.

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the authority of G.O. No. 4166 of 26-3-06.
3. Certain obstacles having cropped up
to the effect being given to the above G.O.
and to the wishes of the donor, G.O. No.
228-30 / Muz 138-14 18 of 17-6-19 was
issued, ~~the~~ passing definite orders in
the case -

4. As directed in para 3 of the order,
Lakshamma, the widowed sister of the
donor, is reported to have been paid Rs 200
in lieu of her right to past arrears of
income and the recommendation to
pay her a moiety of the net income
of all the immoveable properties endowed
~~was~~ accepted in the said order, does not
appear to have been given effect to -

5. The properties being scattered & require-
ing large ~~sums~~ sums of money for their
improvement, it is represented that
they are difficult of management
and income is insufficient for the starting
of a school for students is not
forthcoming from the properties as
they are. It is therefore proposed to
sell all the lands and to invest the
proceeds in some good securities -

About Rs 8000 is estimated to be
realised by the sale of the lands and
that the interest thereon is to be

yield an income of Rs 480 or 500 yearly. After paying a moiety of it to Lakshamma, according to the will of the donor, the other half is proposed to be utilized in granting scholarships to poor Brahmin students of the donor's community, as starting a home for feeding of the students would be difficult & troublesome.

6. The Dy: Commr & the Mag: Commr both support the proposal of the local officers -

7. It is opined that the objection of Lakshamma to the disposal of the lands by sale need not be given weight, as she is only entitled to a moiety of the net income from the properties -

8. Subd for orders as to whether sanction may be accorded to the sale of the lands as recommended -

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10.8.25

cc - Regd

14.8

9. The Dy: Commr

Noted on 14.8

Meaning by 14.8

in person

13.8.25

13.8.25

10. Member's note

How can we regularize the taking of this endowment under Brit Management? Can we alter the original intentions of the donor? Under what provisions of law study may be made up?

NOTE - Contn. Sheet

17.8.25

17.8.25

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11 Under section (3) of the Muz. Regulations, Govt may undertake the management of a religious or charitable trust (1) at the option of the creator of the trust, provided he has reserved no interest of a residuary or beneficial nature for himself.

12. With regard to the trust in question, the creator of the trust has reserved ^{a life interest} ~~an~~ a life interest for the benefit of his sister.

The properties willed out by Nagadi Krishnappa were taken under Govt management under G.O. No. 4166 of 26-3-26.

13 as regards the alteration of the original intention of the donor, it may be noted as follows:-

14. The original intention of the donor is to feed Brahmmins in his house at Blunt. Ballapur - This has not been given effect to till now, on account of practical difficulties in the way.

15. Section (11) of the Muz. Regs. which runs as follows, may, perhaps, made applicable to the ~~case~~ case.

Where the whole or part of the objects of a religious or charitable trust has failed, the Muz officer may, subject to such general rules & special orders, as Govt may have issued, after refer

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in the official Gazette and hearing such parties, as may appear in an enquiry, pass an order directing that the property or the proceeds thereof in respect of which the object has failed, may be utilized for some object of a similar nature, and may frame a scheme for administration thereof.

16. Section 12 refers to suits ~~for~~ by persons aggrieved by an order passed under sections 9, 10 & 11.

17. ~~Order for order of 10/10/25 for 22~~
20. May: file 660-15 is put up to serve as a precedent for a change in the original object of the donor. Mr. Nageswara of Bhikkhanahalli deposited with Govt a sum of Rs 24,000 for founding a school and ~~funding~~ issuing sada bhat to travellers in the chattram built by him. After his death, his executor under the will ~~was~~ proposed to utilize the interest on the deposit for founding an agricultural school and a boarding house connected with it and the change of object was recognized by Govt. - G.O. 2547-8 322-2 19

18. Subd for orders with ref to para 10.

80-
25/8/25 16.8.25

Rev Secy

1st member

18/8/25
NOTE-Contn S' eet

14/9/25

14/9/25

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19. The Com. may be asked to
 report ^{on the facts at hand} under what provision of
 law he may Reg. or law he proposes
 to sell the land ~~under what~~
 use the interest in sale proceeds for
 purposes other than those for which
 the Endowment was made for donor.

[Signature]
 18.9.25.

20. Draft subd.

83 - 86/2

[Signature]
 13.9.25.

2. To Muz Comm. No 363 of 30.9.25
 States that a hearing
 may be given by him to the
 parties & calls for report as to under
 what provision of Muz Reg. or
 law he proposes to sell the land
 and use the proceeds for pur-
 poses other than those for which
 the donor has made the Endowment.

[Signature]
 17.9.25

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3

From the Muz. Court,
 letter no. C 1470 of 24 25 24 to 26
 States that the claim of Lakshamma
 to be put in possession of the endow-
 ment is untenable and reiterates
 for reasons given, the sale of the
 lands and their investment in
 Govt. securities —

Refce. Para 19 of the office-note.
 In para 1 of the letter the M.C. explains how
 Lakshamma, the sister of the donor Krishna
 appa, has no right to contend that she
 should be put in possession ^{& enjoyment} of the properties
 till her death & that they should not be
 sold —

As regards the sale of the endowments,
 the M.C. states that there is no provision
 in the Muz. Regulation on the point,
 that Govt. as trustee of the property,
 should see that ~~the~~ it is administered
 well & yields a good income. He also
 refers to G.O. No. 2200-1/Muz 138-14 9220/15
 sanctioning the sale of certain wet lands
 comprised in the endowment.

The point for orders is

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Recommendation to sell the lands and
invest the amount in Govt securities,
is. Subd for review

5/11/25
5/11/25
5/11/25

26) Attention is invited to the go of 1919 ~~order~~
summarising the main facts of the case
and laying down instructions for the
administration of the trust. Under that
go Lakshamma sister of the donor
was to be given Rs 200/- as payment for
past years and a half of the income
from the property was ^{also} to be given ^{to her} from
the year of the order. The sum of Rs 200/-
has been given to Lakshamma ^{share of} the income
from the property does not seem to have
been given. It is reported that the property
is scattered and is hard to manage. The
Muzrai Court therefore recommended
in his letter of 25th July 26 that the
property may be sold and the proceeds invested
in Government securities and that the annual
realised may be used for giving scholarships
to students of the donor's community instead
of for feeding Brahmans. Apparently
Lakshamma does not approve of the

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proposal. The elders of the Com^{tee} was asked to state whether the change of purpose would be correct and his present letter is the reply.

27) As the property is scattered and it is represented that it is hard to manage the proposal to sell it may be approved

28) A sale of part of it was sanctioned some years ago - (1916) but was not effected as Lakshmanamma objected. This was however prior to the order of 1919. As Lakshmanamma has since accepted the arrangement sanctioned in 1919 the present proposal to sell the lands would if sanctioned by G.O. be no doubt accepted by her.

The Murray Com^{tee} may however be requested to have the matter explained to her and get her consent. Otherwise she might take it into her head to go to court. The litigation will not bring her anything but will give trouble to G.O. She is likely to agree as the proposed management will
^ The proposal to utilise the amount for scholarships to boys of the donor's community instead of for feeding Brahmins is in consonance with modern ideas of charity and not contrary to ancient ones. The donor wished that there should be Annamdana and what is proposed is Vidyadana. The diversion was

give her a larger
income than she
is now getting from
the property

1102 File No 15-25

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No

seem to be desirable and would no doubt also be legally correct. As to this the 2 & 7 Secy may if appd be cancelled.

29) The Dy Commr's report shows that after paying ^{annually} dakshinamma her share of the income, the amount at the credit of the ~~institution~~ charity in 1920 was Rs 830/- The property is reported, will fetch about Rs 6 to 8 thousand. Invested in the saving bank it is buying a maximum of Rs 400/- and dakshinamma share will be about Rs 200/- she is now getting about Rs 80/- as her share of the income. The proposal will be beneficial to her also.

23 NOV. 1926
3522

1890

Second Member) 23/11

30 I think the recommendations of the Dy and Mrz Commr's are the best in the interests of the charity and may be appd. But before passing final orders there are one or two points to be considered.

31. 1. I think it is not open to Lakshamma to question the sale of the lands and the investment of the proceeds in Securities or the form of charity to be carried out from the annual ^{income} of other interests is limited to receiving during her lifetime half such income. She is estopped from raising these points in view of her undertaking ass to G.O. of 1919 and her income will, if anything, improve under the proposed arrangement.

32. 2. I think it is open to the Trustee - Commr - to convert from one form into another the trust property so long as such conversion is in the interests of the Trust. This is I believe permissible under the general law relating to trusts - not under the Muzrai Laws

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These two are points of a legal nature and the
Ld Secy may be requested to state if
the views I have expressed above are
legally correct. If he agrees a draft
approving of the Muz Comm's recommendation
may be put up. As stated by the late
Mr. Aravamudan Iyengar in his note of
20-5-19 it was Mr. Wise to have
accepted this petty bust for management by
Govt but having accepted it we have
to make the ^{best} arrangements ^{possible} for giving
effect to it as workable as possible.

33 To Ld Secy with Compliments

Mull
15-12-26

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34. The two questions are (1) whether the Government Trustees have power to convert from one form of Trust into another the trust property so long as such conversion is in the interests of the Trust and (ii) whether it is open to Lakshamma to question the sale of the lands and the investment of the proceeds in securities or the form of charity to be carried out from the annual income.

35 As regards the first question under the General Law of trusts a trustee may exercise bona fide all powers expressly confided to him by the settlement without interference by the court and subject to any restrictions contained in the settlement and to the provisions of any statute requiring the consent of the court and do such reasonable and proper acts for the realisation or protection support or reputation of a beneficiary who is incapable of taking care of himself as the court would sanction if applied to, provided that he acts honestly and does not benefit one beneficiary at the expense of another and does not interfere with any legal or beneficial interest. A trustee can neither sell mortgage, exchange or partition trust property except under a direction or authority in the settlement itself expressed or implied or under some statutory authority (Underhill on Trusts and Trustees Arts. 56 and 57 VII Edn.). Section 36 of the Indian Trusts Act enacts that in addition to the powers expressly conferred by the Act and the Instrument of Trust and subject to the restrictions, if any, contained in such

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instrument and to the provisions of section 17 a trustee may do all acts which are reasonable and proper for the realisation, protection or benefit of the trust property and for the protection or support of a beneficiary who is not competent to contract. Except with the permission of a Principal Civil Court of Original jurisdiction no trustee shall lease trust property for a term exceeding twenty one years from the date of executing the lease nor without reserving the best yearly rent that can be reasonably obtained.

36. There is an implied discretion to sell inferred from the ^{fact} points (1) that the property is not given specifically and (ii) that unless converted and invested on trust securities the value of the corpus would not be preserved. But when specified chattels and leaseholds are made the subject of a trust, there is no such implication. From the terms of the trust deed neither an express nor an implied power can be inferred. Hence I submit that the Government may not sell the properties without first obtaining the sanction of the Court under Section 92 C.P.C. My answer to the first question therefore is in the negative.

37 As regards the second question, the relevant portions of the Will which is the basis for the trust in reference are as follows:--

"The annual income from the scheduled properties should after payment of the taxes be equally divided between my wife and my sister...

My sister-in-law Venkamma should get Rs. 200 in

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the Savings Bank, one canopy of ragi and one canopy of paady. After them none of my agnates nor anybody else shall have any right to the properties. My intention therefore is that either the Government or the leading residents of the town should feed Brahmans in my house at Chikballapur."

38. In 1904 after the ~~xxxxxxx~~ death of the wife of the petitioner his sister petitioned to Government that the properties may be taken over by Government for the purposes of charity on condition that she may be given half the income for the maintenance. Accordingly the properties were ordered to be taken possession of (vide G.O.No.4166 dated 26th March 1906). The question of selling certain lands comprised in the trust was considered in 1916 when Jaxshamma objected to it, but orders were issued sanctioning the sale with the condition that half the income from the realisations should be given to her. But this order was not executed. A proposal is now afoot for the sale of the properties to which the lady objects.

39. The lady having conveyed the properties voluntarily long ago, her objection is not tenable now so long as Government undertake to pay her half the income and the half does not fall short of what she ~~should have~~ would get if the properties remain intact. Having regard to all the circumstances, it will be safe to obtain the orders of the District Court under Section 92 C.P.C. for the sale of the trust properties

Fl Sec 7
with Compt

2nd members

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4/2 mbs

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5 FEB. 1927

No. 5320

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39 Would an application to the Dist Court on the lines suggested involve any expenditure and can it be met from the income of trust properties? (Muz 7/2/27)

3292
7/2ST
7/2

40 Br long Muz 7/2

41 Draft letter to the Secy is subd.

32 8/2 8/2/27

42 Issue
Muz 9/2

4 To, Muz Comm No 1485 & 10 2 27
forwarded copy of L & L
Secy's note on the subject & call
for certain addl info

From the Muzrai Comm:

Letter no C 139 of 27-28 8/27

States that the amount of Rs 100, as estimated by the Govt Advocate for making an appl to the Dist Court on the lines suggested by the Secy to Local & Legislative Deptt, may be met from the income of the Trust Properties.

43 1) The M.C. reports that Rs 100, being the cost of appl to the Dist Court may

726

General and Revenue
Secretariat.

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be met from the Trust Property.

44 2) A report of the facts of the case has been forwarded to the Law Secretary by the D.C.

45 In accordance with the opinion of the Law Secy. expressed in para 39 of the note, the orders of the Dist Court have to be obtained under section 92 C.P.C. for the sale of the Trust Property.

46 Action is also being taken ⁱⁿ by the Protection Branch for giving a reply to a notice served on Govt. by a lawyer on behalf of Lakshamma - sister of the deceased donor - claiming to be put in possession of half the Trust Property -

47 Subd. for orders as to whether the M.C may be asked to take the necessary action to obtain the orders of the Dist Court -

80 13.12.27 13/12/27 Refce order in para 39 The M.C will be asked to obtain the order of the Dist Court permitting the sale of the trust property & investment of the proceeds.

Secd Member I agree 18/12/27
28/12/27
Brdgt m/s

Vide para 46 below

No particular action is met in regards this notice of Govt. re an application before the Dist Court the contention of Lakshamma will come up for consideration before the Court.

m/s 18/12

3494

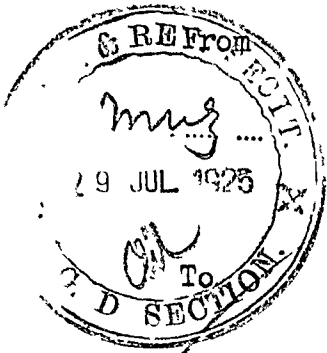
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ST 30/12

05041

No. c 1470/245 Office of the Muzrai Commissioner in Mysore.
one & one file.

Dated Bangalore, 25th July 1925.



C. S. Balasundaram Iyer, Esq., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.



muz 16-25-1

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

Sir,

With reference to Government order No.229-30/Muz.38-14-8 -- dated the 17th July 1919 directing among other things that the -- Deputy Commissioner of Kolar District should submit a report as regards the manner in which he proposes to spend the income from the properties bequeathed by Nagadi Krishnappa of Chikballapur in accordance with the wishes of the testator, I have the honor to forward herewith copy of letter No.Roc.1747/23-24 dated the 18th instant received from the Deputy Commissioner reporting that the net income from the lands is only Rs.80 or 85 per annum after --- paying all liabilities and that the wishes of the testator cannot be carried out with this small sum and recommending that these -- lands may be ordered to be sold outright and the amount thus realized invested in Government securities, the interest accruing therefrom being spent in granting scholarship to Prahmī students of the --- donor's sect, who study in the Chickballapur High School.

The proposal of the Deputy Commission in 1916 to dispose of certain wet lands by auction was accepted by Government in their order No.2200/Muz.138-14-9 dated the 20th March 1916. But this order was not given effect to on account of an objection raised by Lakshamma who is the sister of the donor. The present ---- recommendation of the Deputy Commissioner to sell all the lands by auction with a view to secure a good sum for investment is -- stated to have the approval of the local officers and people. The objection of his sister, Lakshamma, can be of no avail since --

Letter No.R.O.O.1747/23-24 dated 18th June 1925 from the Deputy Commissioner, Kolar District to the Muzrai Commissioner in Mysore.

"I have the honor to forward herewith the entire correspondence ending with Chikballapur Sub Division Officer's report No.H.C.362/23-24 dated 1st October 1924, regarding the management of the estates of the late Nagadi Arishnappa of Chikballapur and to state as follows:-

2. The estate of Nagadi Arishnappa came under Government management in accordance with Government Proceedings No.4166 dated 26th March -- 1906. Government, in their order No.7229-20 Muz.138-14-18 dated 17th July 1919, were pleased to sanction the payment of to Nagadi Lakshamma sister of Nagadi Krishnappa, of a moiety of the nett income from the Estate, with effect from the year 19-20, and also a lumpsum payment -- of Rs.200/- in full satisfaction of all her claim for the payment of her alleged share for all the previous years. The orders of Government were given effect to and a mutchalika was obtained from Lakshamma on 30-9-1919, wherein she stated that she would abide by the conditions laid down in G.O.of 17th July 1919 and accept Rs.200/- in full satisfaction of her claim for the previous years. This sum was paid to her and a stamped receipt obtained from her on 8-12-1919. The entire estate has thus remained under Government management since the year 1906.

3. It is seen from the correspondence that the average gross income of the estate is only Rs.320/- per annum, and deducting the land revenue and cesses payable to Government, which amounts to Rs.172/- there remains a sum of Rs.170/-. Out of this sum again, a ~~xxx~~ moiety has to be paid to Nagadi Lakshamma the donor's sister for her subsistence. The nett income from the whole estate, after deducting all liabilities, is only Rs.80/- or Rs.85/- per annum. The income is being ~~xxx~~ credited to the estate account. The balance at the credit of the estate is about --- Rs.850/- in cash which remains in the Savings Bank Deposit in the name of the Deputy Commissioner. A sum of Rs.800/- has also been invested in the 6½ % State Loan of 1940.

4. With such a very small income, it has been found practically -- impossible to carry out the wishes of the Donor, viz. the establishment of an Annachattram in his house and feeding Brahmans of his caste. It is also reported that, as the lands comprised in the Estate are situated in about 7 or 8 villages, it has been found very difficult to arrange for a satisfactory management of the landed property. The lands are at -- present being leased out on rents for periods not exceeding five years

at a time.

5. In view of the fact that no useful purpose would be served having the estate under Government management any longer, the Amildar and the Sub Division Officer strongly urge the disposal of the whole estate by sale. I have discussed the question with the local officers, and leading citizens of Chikballapur on more than one occasion and I am satisfied that the best way of giving effect to the testator's -- ~~wh~~ wishes is to sell the properties, invest the proceeds in Government securities and out of the income thus assured ~~to~~ grant scholarships to poor Brahman students (preferably of the sect to which the testator belonged) in the Chikballapur High School. This idea has met with the cordial approval of the people and the local officers and will be in substantial fulfilment of the testator's intentions. The lands are not likely to yield a handsome return as long as they are under Government management but are expected to ~~for~~ fetch about Rs.6000/- to Rs.8000/- if sold outright. I accordingly recommend that early sanction of Government may kindly be obtained to the disposal of the estate in ~~them~~ the manner indicated above. The grant to Lakshamma sister of the donor will be continued during her life time.

6. The establishment of an Annachattram contemplated by the -- testator is a very troublesome and costly affair which could not be -- properly maintained in the absence of a sufficient allotment and -- official supervision. Definite proposals regarding the investment of the money and the institution of the scholarships will be ~~subm~~ submitted on receipt of the sanction now asked for."

"C o p y"



for Muzrai Commissioner..

K3R.



SUBJECT

Diary No of letter replied to 162-

General and Revenue Secretariat

(Mur)
the 192

ate of issue 30-9-25

signed by Mr. Ramaiya

List of enclosures.

Copied by

Examined by

Section mur

File No. 16-25

Serial No. 2

No. 363 Enc. one file

To The Mur. Comm. in Mysore
Mangalore

Sir,

With reference to your
letter No. 1470 of 21.2.28-7-25
in the matter of the management
of the properties bequeathed by
Nagadi Krishnamahar of Chik-
ballapur & Co. which was -
I am directed to state that a
hearing may be given to the
parties concerned with the case
and a report submitted to Govt.
as to whether under the provisions
of the Mur. Regulation or Law
you propose to sell the case
and the property.

over

proceeds for purposes other
than those for which the endow-
ment was made by the donor.

2. The records ~~are~~ are returned of us with

I have also
11-9-15.

the reply

Secretary
Rev. DePitt

Bl
11-9-15-

1470 in 18th & 2 highers 1925
24/25

Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 9th October 1926.

From

8071

11 Dno 500

C. S. Balasundaram Iyer, Esq., B.A.,

Muzrai Commissioner in Mysore,

Muz 16-25-3

Bangalore.

To

B. Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Financial Department.



ST
19/10

"E"

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3y

Referring to your letter No. 363/Muz. 16-25-2 dated 30th September

1925 stating that a report may be sent up after hearing the parties in connection with the selling of Nagadi Krishnappa's lands bequeathed to the maintenance of an annachatram in his house in Chickbhallapur for feeding Brahmins and also requesting to be informed of the provision of the Muzrai Regulation or Law under which the land can be sold and the interest on the sale proceeds utilized for purposes other than those for which the endowment was made by the donor, I have the honor to state that Lakshamma sister of the donor accompanied by her brother was heard. In the statement presented by her and herein enclosed, she contends that she is entitled to be in possession of the properties and enjoy the produce and that Government can take possession of the same and start the feeding of Smartha Brahmins only after her death. It is not clear from the will of Krishnappa whether it was the intention of Krishnappa that charity should begin only after the death of both the legatees (his wife and Lakshamma his sister).

But whatever may be the interpretation of the contents of the will, the contention of Lakshamma now can be of no avail since it was before the Government Order No. 4166 dated 3rd March 1906. For subsequent litigation to restore the properties to her ended in G.O. No. 230-50, dated 138-14-18 dated the 17th July 1919 directing that she should receive half of the net income of all the immoveable properties subject to the condition that she unhesitatingly accepted the arrangement.

She has accepted the same vide her statement presented before the Amildar on 30-9-19. In this circumstances, her present claim^y to be put in possession of the lands is untenable. The lands are under Government management since 1906.

Re the disposal of the lands by sale and investing the sale proceeds in a advantageous manner, the records show that Government themselves have in their order no. 2300-1/138-14-9 dated the 20th ^{March 16} ~~May~~ sanctioned the sale of certain wet lands comprised in the endowment since they were -- lying waste and would fetch a good price, if sold away outright. There does not seem to be any provision in the Muzrai Regulation on the point raised by Government in the letter under reply. But it seems to be the duty of the trustee which is Government in the present case, to see that the trust money and property are administered properly and they yield the maximum income. In this view the recommendation made by me on the proposal of the Deputy Commissioner seems to be the best possible and -- the only course to get a suitable income ~~from~~ the endowment, so as to -- suffice for a worthy object i.e., the grant of scholarship to students which substantially fulfils the intentions of the donor.

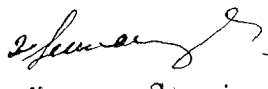
I beg to reiterate my recommendation and solicit early sanction of Government.

The records received with your letter are herewith returned.

I have the honor to be,

Sir,

Your most obedient servant,


for Muzrai Commissioner.
my (Absent from Station)

SUBJECT.....

Diary No. of letter replied to 500

General and Revenue Secretariat
(mur)
, the 191 . }

Date of issue 10-2-27

Signed by M. M. Venkatesa Murthy

Section mur

File No. 16-25

Serial No 4

No 1485 mur
L & L Secy's Office

To The Muzrai Comm^{ee} in Mysore,
Bangalore.

Sir,

With reference to the correspondence ending with your letter no. C 1470 of 24-25 & 11-10-26 requesting sanction to the sale of Nagadi Krishnappa's lands bequeathed for the maintenance of the Amachettam in his house in Chikballapur for feeding Brahmins, I am
over.

Directed to forward, herewith,
a copy of the ~~note~~ ^{letter} L & L
Secretary's Note of 4/2/27 expressing
his views in the matter and
to enquire ^{what exp} ~~whether~~ an application
to the Dis^t Court on the lines
suggested ^{by the L & L} will involve ~~any~~
expenditure and ~~if so~~, whether
it can be met from the income
of the trust properties.

I have etc

MW
9/1 Secretary,
(Muz)
8/2/27

List of enclosures.

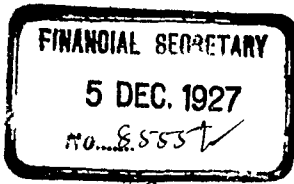
Copied by

Examined by

Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 2nd December 1927.
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From



P. G. D'Souza, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore,

B a n g a l o r e.

7
D 726

B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,

Muz 16-28-25

Financial Department.

Sir,

With reference to your letter No.1485/Muz.16-2-4 dated 10th February 1927 requesting further information in re the disposal by sale of Nagadi Krishnappa's estates in Chickballapur Taluk, I have the honor to state that the Deputy Commissioner, Kolar District, in his letter No.A-2 C.695 of 26-27 dated 23rd November 1927, reports that the amount of Rs.100/- as estimated by the Government Advocate for making an application to the District Court on the lines suggested by the Secretary, Local and Legislative Department may be met from the income of the Trust Properties.

In this connection, I beg to state that a lawyers notice on behalf of Lakshamma (sister of Krishnappa) having been received by Government in the Local and Legislative Department, a report of the facts of the case was called and the same received from the Deputy Commissioner, vide Kolar Dist^{ct} Deputy Commissioner's letter No.A2 C.695/26-27 dated 16th November 1927 (copy of which is herein ----- enclosed) was sent up with this office No.C.139/27-28 dated the 24th November 1927 (vide copy enclosed.).

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

Kd

Letter No.A 2.C.695/26-27 dated 23rd November 1927 from the
Deputy Commissioner, Kolar District to the Muzrai Commissioner in
Mysore.

Re: the disposal by sale of Nagadi Krishnappa's estates in
Chickballapur Taluk.

"With reference to your letter No.C.1470/24-25 dated 15th --
ry 1927, and in continuation of this office No.A.2-C.695/26-27
dated 16th November 1927, I have the honor to state that the amount
required for making an application to the District Court on the --
lines suggested by the Secretary, Local and Legislative Department,
may be met from the income of the trust properties."

"C o p y"


For Muzrai Commissioner.


Letter No.A 2/O.695/26-27 dated 16th November 1927 from the Deputy Commissioner, Kolar District to the Muzrai Commissioner in Mysore.

- - - -

Re: The alleged claims of Lakshamma on Nagadi Krishnappa's estates in Chikballapur Taluk. Notice issued under Section 80 of the Civil Procedure Code to the Chief Secretary. Furnishes report on the claims alleged.

"With reference to your letter No.139/27-28 dated the 30th July 1927 forwarding the Notice and calling for report with record, issued by Mr. T. Shamachar Advocate, on behalf of his client, --- Lakshamma, residing in Chikballapur, stating that his /client is entitled to half of the income from Nagadi Krishnappa's estates, that she should be put in possession of half of the properties and that the recent order of the Deputy Commissioner withholding payment to her of the moiety of the income from the estates for the years 1924-25 and 1925-26 is not in order and etc., I have the -- honor to invite reference to the Government Order No.226-30/Muz.130-14-18 dated the 17th July 1919 in the matter which is the basis of the relation of the parties in regard to the estates of Krishnappa left for charitable purposes by a will and administered by Government as a Trustee. (Copy of the Government Order is enclosed herein for ready reference). Firstly as regards the restoration of half the properties:-- Under the terms of this Government Order, Lakshamma is only entitled to half of the net income from the estates during -- her life time and not to the restoration of half of the properties of the estates as claimed in the notice.

Secondly as regards the statement made in the notice that -- the moiety of the realisations from the estates has not yet been -- fully paid to her:--

In pursuance of the instructions of the Government Order of the 17th July 1917, half the realisations from the year 1919-20 have been paid to Lakshamma to the end of 1923-24 (vide Amildar's report No. O.C.382/25-26 dated 9-2-27 (Flag A) and that the moiety of the net realisations for the next two years i.e. 1924-25 and 1925-26, amounting to Rs.150-2-4 has been ordered to be adjusted towards the sum of Rs.280/- that became payable by her in respect of a house which was one of the estates of the said Krishnappa under Government management in the circumstances explained below.--

According to Krishnappa's will the house in question should

become the sole property of the Pajebab Nilakantappa, if he paid Rs.280/- (in cash) to the estate of Krishnappa. He was not able to pay the money. He sold his right, title and interest in the house to Lakshamma for Rs.30/-. She, in turn, mortgaged the house to one Subba Rao, her relative for Rs.400/- but failed to pay Rs.280/- to the estate of Krishnappa, which was the consideration fixed for the transfer of the house to the sole ownership of the -- said Pajebab Nilakantappa and into whose shoes she (Lakshamma) -- stepped in by the sale of the house. The then Deputy Commissioner (Mr. S. Hiranianna) to whom the matter was reported ordered (vide his order No.R.O.C.1768/25-26 dated 20-2-26 flag B) that the amount viz. Rs.280/- payable to the estate of Krishnappa in the circumstances -- stated, should be recovered in easy instalments from Lakshamma who mortgaged the house and realised Rs.400/-.

It was in set off of this amount of Rs.280/- that the half of the realisations from the estates, viz. Rs.150-2-4 payable to Lakshamma for the years 1924-25 and 1925-26 under the terms of the Government Order of the 17th July 1919 was ordered by me to be adjusted (vide my order No.A-2 C.695/26-27 dated 1st June 1927 Flag C). It is against these proceedings Lakshamma now contends through her Lawyer and hence the notice.

From the facts so far set forth above it will be seen, that Lakshamma's position in respect of the estates under Government management was based under the provisions of the Government Order No.228-30/Muz.138-14-18 dated 17-7-1919 and that all the amounts due to her by way of half the realisations from the estates have been fully paid to her up to the end of the year 1925-26 and that a further sum of Rs.129-13-8 is still payable by her.

280- 0- 0	on account of the value of the house in --
150- 2- 4	
<u>129-13- 8</u>	question and that in as much as she is not

likely to pay the amount, appropriations in easy instalments without -- pressing hard upon her, will have to be made till the amount is fully -- adjusted from her portion of the realisations of the estates from the -- year 1926-27.

The contention of Lakshamma that she is not liable to pay anything in respect of the house, is not tenable because, by the will of Krishnappa, a sum of Rs.280/- was to have been realised before the house was alienated in favour of any other. This is the third point raised in the notice.

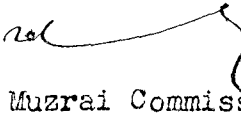
Further

Further if Lakshamma wanted to question the provisions of -- the Government Order of the 17th July 1919, she should have moved the Government in time and not so late in the day as she has done now.

The entire Vernacular records bearing on the subject is --- forwarded for reference.

On receipt of your reply intimating action taken on the ---- notice in question, necessary further action will be taken to move the District Court in respect of the disposal by sale of the estates to better administer the same."

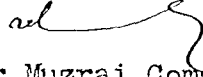
"C o p y"


For Muzrai Commissioner.
File

"With reference to your letter No.P.588 dated 23rd July 1927 forwarding the notice issued on behalf of Lakshamma sister of Nagadi Krishnappa of Chickballapur claiming possession of half the Trust -- properties and requesting the submission of a report with records in the matter, I have the honor to submit herewith copy of letter No. A.2695 of 26-27 dated 16th November 1927 from the Deputy Commissioner Kolar District explaining the previous facts of the case clearly and in sufficient detail and answering categorically. The points ----- enumerated in the notice and to solicit the favour of an early intimatio as to the disposal of the notice, as further action to move the District Court to dispose of by sale the estates with a view to better ----- administration has to be taken.

2. The vernacular records bearing on the subject are herein --- enclosed for reference and kind return."

"C o p y"


For Muzrai Commissioner.

SUBJECT

Diary No. of letter replied to... 7.26

General and Revenue Secretariat
(Muz)
the 192

Date of issue...

Signed by...

forward herewith
a copy of the note
of the Dept. in
the matter
and to be that

List of enclosures...

Copied by...

Examined by...

Section *muz*

File No 16-25

Serial No 6

No. 1119

*me me + Veru
second*

To

*The Muzrai Court in
Mysore, Bangalore*

Sir,

With reference to the
correspondence ending with
your letter no C 139 of 27-28
recommending ~~same~~ to the
8.3.12 27
proposal of the D. C. that
~~sale of~~ Nagadi Krishnaswami's
estates in Chikballapur
be sold and the ~~proceeds~~ ^{proceeds} ~~sent to the~~ ^{sent to the} ~~trust~~ ^{trust}
Taluk. I am directed to
~~you to obtain the order of the~~ ^{an} ~~the~~ ^{from}
Distt. Court peruating the
sale of the Trust property
and investment of the sale
proceeds.

I have etc

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- 4/1/28

over
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Secretary

4.1.28
4.1.28